

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EVA M. RACHINGER,

Plaintiff,

v.

JOHN E. POTTER, Postmaster General,
United States Postal Service,

Defendant.

ORDER
08-CV-757S

On January 12, 2011, this Court received notice by letter from pro se Plaintiff Eva M. Rachinger that she no longer wishes to pursue this action against Defendant John E. Potter, Postmaster General of the United States Postal Service. This Court has construed this notice as a Motion for Voluntary Dismissal of this action. Rule 41(a)(2) of the Federal Rules of Civil Procedure permits a court to grant a plaintiff's request to voluntarily dismiss an action "on terms that the court considers proper." Here, although Plaintiff proceeds pro se, she requests dismissal of this action upon consultation with counsel. Further, Defendant has not asserted any counterclaims. Consequently, this Court finds that dismissal under Rule 41(a)(2) is warranted.

IT HEREBY IS ORDERED, that the Clerk of the Court is directed to file Plaintiff's letter as a Motion for Voluntary Dismissal.

FURTHER, that Plaintiff's Motion for Voluntary Dismissal is GRANTED pursuant to Rule 41(a)(2).

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: January 20, 2011
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court